HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.1212 of 2007
Date of decision : 06.03.2007

Malkiat Singh **.....Petitioner**

versus

Lekh Singh **.....Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Sh.R.P.S.Sarai, Advocate for the petitioner

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ORDER

HEMANT GUPTA, J.

The defendant is in revision aggrieved against the order passed by the learned First Appellate Court, whereby defendant-petitioner was restrained from dispossessing the plaintiff from the suit property forcibly and illegally.

It is the case of the plaintiff that he being a member of Harijan Cooperative Land Society Mehal Kalan, is owner of the suit land and thus, in possession thereof and, therefore, the defendant cannot be permitted to interfere in his possession. The defendant has relied upon an agreement of purchase of the cultivating rights and that in pursuance of such agreement, the possession was delivered to the defendant.

The learned First Appellate Court has found that the revenue record supports the plea of the plaintiff the he is in possession of the suit land. Such presumption in respect of the revenue record is sought to be rebutted on the basis of an agreement which is an unregistered document. It is disputed question of law whether the possession was delivered to the

defendant in pursuance of the aforesaid agreement. Therefore, on the basis of revenue record, the learned First Appellate Court has rightly found at the time of grant of ad interim injunction that the defendant cannot be permitted to dispossess the plaintiff from the suit land.

I do not find any illegality or irregularity in the order passed by the learned First Appellate Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 6, 2007
**mohinder*